

REMARKS

Claims 14-20, 22, 25-35, 37 and 47-53 are in the application. Claims 25-35 and 37-53 are allowed. Claims 14-20 and 22 are rejected.

Amendments to the Specification

The Specification has been amended to attribute registered and common-law trademark designations to Attagel®, Acrysol® and Acusol™ trade names, respectively.

Rejection under 35 U. S. C. §112, 2nd Paragraph

Claim 22 is rejected under 35 U.S.C. §112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 22 includes the limitation “(d) less than about 5% of rheological modifiers,” and “(e) less than about 10% of other additives”. Claim 22 depends to Claim 14 that requires “at least one rheological modifier in an effective amount for controlling the sag and slide resistance of the composition.”

Applicants respectfully traverse. Claim 14 requires some level of at least one rheological modifier “in an effective amount.” Claim 22 further limits the “effective amount” of rheological modifiers to an amount “less than about 5%”. Thus the effective amount, while less than 5%, can not be zero.

Rejection under 35 U. S. C. §103(a)

Claims 14-20 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chacko, U.S. Patent No. 6,686,033.

Applicants respectfully request reconsideration of the rejection, based on the common ownership of the present application with the Chacko reference, and in view of the Declaration under 37 C.F.R. 1.131 by joint inventors Hussaini, Rodrigues and Antoinie, dated January 26, 2006, and submitted in Applicants’ response mailed on January 27, 2006.

The Declaration by the Applicants asserts and demonstrates that the invention claimed in Claim 14 was conceived and reduced to practice in the United States before April 24, 2003,

which is before the publication date of Chacko of February 3, 2004. Because the Chacko reference and the present application are commonly assigned, the Chacko reference does not qualify as prior art under 35 U.S.C. §102(a).

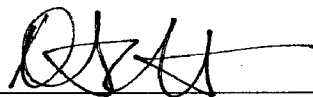
Consequently, Chacko is not prior art against the present application.

Conclusion:

Applicants believe it has provided a complete response to the Office Action and that the amendments, 131 Declaration and remarks herein clearly distinguish the claims from, or swear behind, the cited art. Applicants therefore respectfully request withdrawal of the rejections, and allowance of all claims as amended.

Respectfully submitted,

By:



Daniel F. Nesbitt
Attorney for Applicants
Registration No. 33,746
(513) 229-0383
Customer Number 26868

January 18, 2007